

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large
Dr. Alan B. Coleman, Mayor Pro Tem
Audwin Samuel, Ward III
Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR
CITY COUNCIL MEETING
August 26, 2014
Kyle Hayes, City Manager

Gethrel Wright, At-Large
Michael D. Getz, Ward II
Jamie Smith, Ward IV
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **August 26, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 1-2/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor "Big" Jim Salles of West End Baptist Church gave the invocation. Councilmember Wright led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Coleman, Councilmembers Getz, Wright, Pate and Samuel. Absent: Councilmember Smith. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Proclamations, Presentations, Recognitions

"Presentation" -City of Beaumont Service Awards

25 Years of Service

Joe Jarmon - Fire	Kimberly Seago - Police	Jerome Watkins - Fire
William Ware III - Fire	Guillermo Jornet - Police	Ruth Poullard - Health
Julia Dumas - Health	Denis Boudreaux - Water	Roberto Flores - Police

30 Years of Service

Linda Burrell - Code Enforcement	Anna Varela - Planning and Zoning
Sheryl Reese - Municipal Court	Steven Hayes - Fire
Clemens Stinebrickner - Fire	Collin Hext - Fire
Ulysses Buckley - Fire	Norris Roberts - Fire
David Stacey - Fire	Darius Linton - Fire
Sue Kelly - Police	James Simonson - Police

35 Years of Service

David Durst - Police	Toni Croff - Public Health
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40 Years of Service

Billy Barton – Building Services

Robert Roberts - Police

Mayor Ames read the announcement regarding Executive Session being held at the conclusion of the General Business portion of the meeting.

Public Comment: Persons may speak on scheduled agenda items 1-2/Consent Agenda.

None

CONSENT AGENDA

- * Approval of minutes - **August 19, 2014**
- * Confirmation of committee appointments - **None**
- B) Approve the cancellation of a contract with Valley View Consulting, LLC, for investment management services – **Resolution 14 - 179**
- C) Authorize the acceptance of a ten foot wide Non-Exclusive Water Line Easement located at a new boiler facility at its Lucas Terminal on West Port Arthur Road – **Resolution 14 - 180**

Councilmember Samuel moved to approve the Consent Agenda excluding Item A. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

- A) Authorize the City of Beaumont to submit a grant application to the Mamie McFaddin Ward Heritage Foundation for grant funds in the amount of \$7,500 – **Resolution 14 – 178**

Mayor Pro Tem Coleman moved to approve Item A. Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a resolution approving a change order to the contract with Johnson Controls, Inc. to increase the number of new water meters to be replaced.

The City entered into a performance contract with Johnson Controls, Inc., on September 27, 2012 in the amount of \$14,487,402. The debt was financed over a 7 year period at 1.766%. The purpose of the project is to install Automated Metering Infrastructure (AMI) in the City of Beaumont for reading water meters. The initial project included replacing 29,644 5/8" water meters that were installed prior to 2006 and retrofitting other meters with the appropriate register from the original water meter manufacturer compatible with the Itron AMI system and a leak detection system. Unfortunately, the manufacturer of some of our meters (meters manufactured by Kent) that were planned to be retrofitted has discontinued producing register retrofits compatible with the Itron system. Consequently there are 1,806 meters that will need to be replaced rather than retrofitted at a cost of \$606,962. If the change order is approved, the outstanding debt for this contract will be \$15,094,364. Staff will look at refinancing the total amount from 7 years to 10 years and will bring the item to City Council for consideration if it is found to be advantageous.

Funds will be paid out of the Capital Program – Water and Sewer Projects.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CHANGE ORDER FOR ADDITIONAL WORK, THEREBY INCREASING THE CONTRACT AMOUNT BY \$606,962 FOR A TOTAL CONTRACT AMOUNT OF \$15,094,364 FOR THE AUTOMATED METERING INFRASTRUCTURE (AMI) PROJECT.** Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Resolution 14 - 181

2. Consider granting a solid waste collection and transportation service franchise to Sprint Waste Services, L.P.

On January 1, 2014, Triangle Waste (a wholly-owned subsidiary of Sprint Waste Services, LP) merged into Sprint Waste Services, LP. Triangle Waste has a solid waste franchise agreement with the City of Beaumont but due to the legal change in corporate structure and merger with Sprint Waste Services, LP, it is necessary for the company to

obtain a franchise agreement with the City in the name of Sprint Waste Services, LP. According to City Ordinance 22.05.101, no person shall engage in the business of collecting, hauling or transporting, in the city, any garbage, waste or refuse, without first having obtained a franchise from the City. Seven (7) entities currently have nonexclusive franchise agreements with the City and are doing business in this area.

The requested franchise is generally the same as those previously approved by City Council. It provides for a term of one year from its effective date and a franchise fee of seven percent (7%) of gross revenues received for service. It also requires the entity to indemnify the City of Beaumont and provide insurance which names the City of Beaumont as a named insured.

According to City Charter, franchise ordinances require readings at three (3) separate Council meetings, with the third not less than thirty (30) days from the first reading. The ordinance does not take effect until sixty (60) days after its adoption on the third and final reading. After passage, the ordinance must be published for four (4) consecutive weeks in a newspaper of general circulation in the city. All publication costs are paid by the franchisee.

This is the first reading of the franchise ordinance.

A franchise fee of seven percent (7%) of gross receipts is paid into the General Fund.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE GRANTING A FRANCHISE FOR SOLID WASTE COLLECTION AND TRANSPORTATION SERVICES TO SPRINT WASTE SERVICES, L.P.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

Ordinance 14 - 041

WORK SESSION

- * Review and discuss the proposed FY 2015 Budget and the proposed 2015 Capital Program

Kyle Hayes, City Manager reviewed and discussed the proposed FY 2015 Budget and the proposed Capital Program. In the proposed FY 2015 Budget there was discussion as it related to the Estimated Ending Fund Balance of \$24,688,742 or 21.3% of

Expenditures, the General Funds largest revenue sources are Sales and Use Taxes at 34%, this is projected to increase by 1.5%, Property Taxes are at 28%, the appraised values increased less than 1%, Industrial Payments are at 14% which is flat from what was received this year with a minimal growth of 76%. The proposed revenues in the General Fund are projected to increase to 1.1% in FY 2015 over FY 2014. The General Fund Expenditures include a 2% wage increase for Firefighters with an estimated cost of \$360,000, up to a 2% wage increase for Police Officers with an estimated cost of \$410,000 (negotiations are in progress at this time regarding this contract), an additional transfer of \$650,000, will made to the Transit Fund for a total expenditure of \$1,420,000. The key objective is to downsize the General Fund Budget by \$2,000,000 or more over the next 12 months if revenues do not increase. The plan of action is to continue to eliminate vacant positions through attrition if sensible, continue to streamline operations, evaluate charges for services and implementing new fees and to continue to sell underutilized City assets. The Debt Service Fund was discussed along with the Water Utilities Fund and the Regional Medical Rate Comparisons.

The Proposed 2015 Capital Program was discussed in regards to the Public Works Projects Construction Phase. Eleven projects were listed with an estimated cost and design phase of each. The Eligible Oil and Gas Projects were discussed with \$47.8 million available, four projects with the estimated funding amounts were listed, along with ten General Improvements Projects and Construction Phases listed along with the estimated cost of the projects.

(Mayor Ames read a statement sent by Councilmember Smith in his absence. Councilmember Smith stated that he would like to propose that if the City has an increase in the Sales Tax Revenue for whatever reason in this upcoming fiscal year that the City would give the civilian employees a bonus similar to what was done in FY 2011. He prays that other City Councilmembers would take this into consideration. The Mayor was in agreement as well)

PUBLIC HEARING

- * Receive comments on the proposed FY 2015 Budget and the proposed 2015 Capital Program

Open: 3:35 p.m.

None

Close: 3:35 p.m.

PUBLIC HEARING

- * Receive comments on the 2014 (FY 2015) Proposed Tax Rate

Open: 3:36 p.m.

None

Close: 3:36 p.m.

WORK SESSION

- * Review and discuss proposed changes to the Alcohol and Beverage Ordinance

Sharae Reed, Senior Assistant City Attorney reviewed and discussed the proposed changes to the Alcohol and Beverage Ordinance. The definition portion of the ordinance was discussed as well as the permits, display, application term, renewal process. There was additional discussion for the grounds for denial or revocation, the appeal process from the denial of revocation, transfer and replacement of permits, occupation tax; permit fees, inspection compliance, prohibited locations, responsibility of permit holders, enforcement, violations of existing laws not authorized, penalties, injunctions and strict enforcement.

COUNCILMEMBER COMMENTS

MAYOR PRO TEM COLEMAN -	THANKED COUNCIL FOR MOVING FORWARD ON THE HEALTHY INITIATIVE WEB SITE
COUNCILMEMBER GETZ -	ANNOUNCED THE LABOR DAY TENNIS TOURNAMENT THAT WILL BE HELD OVER THE WEEKEND, ENCOURAGED EVERYONE TO COME OUT AND ATTEND, CITIZENS WOULD BE ABLE TO TOUR THE NEW TENNIS COURTS
COUNCILMEMBER WRIGHT -	CONGRATULATED EMPLOYEES ON THEIR LONG TENURES OF WORK, STATED THAT THE WORKSHOP CONCERNING PREDATORY LENDING WILL BE BROUGHT FORTH AT THE NEXT CITY COUNCIL MEETING ON SEPTEMBER 9, 2014
COUNCILMEMBER PATE -	CONGRATULATED THOSE EMPLOYEES THAT RECEIVED SERVICE AWARDS, GAVE CONDOLENCES TO THE FAMILY OF CASTLE "POPPA CAS" HARRIS ON HIS PASSING, COMMENTED ON THE VISIT TO BEAUMONT BY BARRY SWITZER, ALSO REMINDED CITIZENS OF THE GRAMBLING

VS. LAMAR UNIVERSITY FOOTBALL GAME ON AUGUST 30, 2014, ENCOURAGED EVERYONE TO ATTEND

COUNCILMEMBER SAMUEL -

VERY PROUD OF LAMAR UNIVERSITY AND WILL SUPPORT THEM, CONDOLENCES TO THE FAMILY OF "POPPA CAS" ON HIS PASSING, ALSO COMMENTED ON A FRIEND OF HIS THAT'S FROM BEAUMONT AND NOW LIVES IN CHARLOTTE NORTH CAROLINA, HE'S VERY HAPPY TO SEE THAT BEAUMONT HAS PROGRESSED VERSUS OTHER VISITS THAT HE'S MADE, ALSO APPRECIATES THE STREETS THAT HAVE BEEN RE-DONE

COUNCILMEMBER SMITH -

ABSENT

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

HEARTFELT CONDOLENCES TO THE CASTLE "POPPA CAS" HARRIS' FAMILY ON HIS PASSING

Public Comments (Persons are limited to three minutes)

Jesus Abrego

8675 Washington

Beaumont TX

Requested that there be sidewalks and lighting along Washington Blvd. for walking, stated that 25% of the school age population in Beaumont is Hispanic our future is Hispanic, stated that when the Council has Public Hearing meetings he has never seen one for this portion of the population, if we are going to be the future thinks it's important to hear what the Hispanics are saying in town

Charles Kirkwood

P.O. Box 12116

Beaumont TX

Spoke to Council regarding a problem that he addressed with them several weeks ago, and since he can't get any help he's going to go worldwide with the problem, stated that the City can't fault him for what he's going to do

Freddie B. Shahrodi

1225 Wilchester Circle

Beaumont TX

Shared an incident that happened to him not long ago, his van was stolen at Home Depot, he and his family searched everywhere, was unable to locate his van, 42 days later he received a call from the City of Houston stating they had his van, the City of Houston could have contact him right away when they got his van but they didn't, they had his license plate etc., stated that he had to pay \$853.00 to get his van back,

wanted to know why the City of Beaumont couldn't do this, it's a good income for the City of Beaumont, Houston stated that it's a multi-million dollar industry for them, informed Council that if they are interested in doing something like this he would donate the land

Open session of meeting recessed at 4:01p.m.

EXECUTIVE SESSION

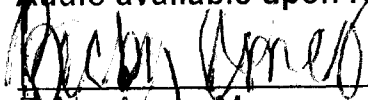
- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

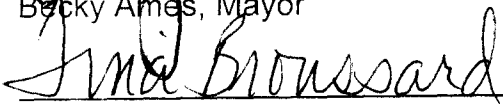
James Mathews vs. City of Beaumont, Texas; A-192,887

Robert "Bobby" Lorraine vs. City of Beaumont, Texas; Cause No. 122490

There being no action taken in Executive Session, Council adjourned.

Audio available upon request in the City Clerk's Office.


Becky Ames, Mayor


Tina Broussard, City Clerk

